

S.B. CIVIL MISC. APPEAL NO.1331/2006.

(Smt. Baby @ Babita & Ors. Vs. Parvit Singh & Ors.)

Date of Order :: 27.10.2006.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. N.K. Vyas, for the appellant.

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For the accidental death of Ghishu Dass, about 27 years in age, the Tribunal has awarded Rs.3,36,400/- together with interest @ 9% per annum and the claimants-appellants, wife and children of the deceased, seek enhancement over the amount of compensation so awarded.

It has been strenuously contended by the learned counsel for the appellants that the deceased was earning his livelihood by working as a driver on a jeep and in relation to the driver, the Tribunal has erred in taking his monthly income only at Rs.2,000/- and the assessment of pecuniary loss remains grossly inadequate. The submissions are not well founded.

The Tribunal has considered the assertions made on behalf of the claimants about the income of the deceased at Rs.7,000/- per month while working as a driver but then has noticed the fact that the claimants have not produced any definite proof of income of the deceased and even the driving licence of the deceased was not produced on record so as to consider if he was working as a driver. The estimate put by the Tribunal on the

income of the deceased at Rs.2,000/- with reference to the period of incident, i.e. 26.09.2001, cannot be said to be grossly inappropriate. Then, the Tribunal has applied maximum side multiplier of 18 to assess pecuniary loss at Rs.3,02,400/- and then has allowed liberally the amount towards non-pecuniary loss at Rs.10,000/- to the wife and Rs.5,000/- each to the children and has further allowed Rs.10,000/- towards funeral expenses and another Rs.2,000/- for transportation and yet another Rs.2,000/- towards property loss. Moreover, the Tribunal has awarded interest @ 9% per annum on the award amount from the date of filing of the claim application.

Having regard to the overall facts and circumstances of the case, the ultimate award made by the Tribunal cannot be said to be too low or grossly inadequate so as to warrant interference in appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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